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SENATE BILL 6937

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State of Washington

60th Legislature

2008 Regular Session

By Senator Kline

Read first time 02/07/08. Referred to Committee on Judiciary.

1 AN ACT Relating to ex parte orders; amending RCW 36.18.016 and  
2 36.18.016; providing an effective date; and providing an expiration  
3 date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.18.016 and 2006 c 192 s 2 are each amended to read  
6 as follows:

7 (1) Revenue collected under this section is not subject to division  
8 under RCW 36.18.025 or 27.24.070.

9 (2)(a) For the filing of a petition for modification of a decree of  
10 dissolution or paternity, within the same case as the original action,  
11 and any party filing a counterclaim, cross-claim, or third-party claim  
12 in any such action, a fee of thirty-six dollars must be paid.

13 (b) The party filing the first or initial petition for dissolution,  
14 legal separation, or declaration concerning the validity of marriage  
15 shall pay, at the time and in addition to the filing fee required under  
16 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior  
17 court shall transmit monthly twenty-four dollars of the thirty-dollar  
18 fee collected under this subsection to the state treasury for deposit  
19 in the domestic violence prevention account. The remaining six dollars

1 shall be retained by the county for the purpose of supporting  
2 community-based services within the county for victims of domestic  
3 violence, except for five percent of the six dollars, which may be  
4 retained by the court for administrative purposes.

5 (3)(a) The party making a demand for a jury of six in a civil  
6 action shall pay, at the time, a fee of one hundred twenty-five  
7 dollars; if the demand is for a jury of twelve, a fee of two hundred  
8 fifty dollars. If, after the party demands a jury of six and pays the  
9 required fee, any other party to the action requests a jury of twelve,  
10 an additional one hundred twenty-five dollar fee will be required of  
11 the party demanding the increased number of jurors.

12 (b) Upon conviction in criminal cases a jury demand charge of one  
13 hundred twenty-five dollars for a jury of six, or two hundred fifty  
14 dollars for a jury of twelve may be imposed as costs under RCW  
15 10.46.190.

16 (4) For preparing a certified copy of an instrument on file or of  
17 record in the clerk's office, for the first page or portion of the  
18 first page, a fee of five dollars, and for each additional page or  
19 portion of a page, a fee of one dollar must be charged. For  
20 authenticating or exemplifying an instrument, a fee of two dollars for  
21 each additional seal affixed must be charged. For preparing a copy of  
22 an instrument on file or of record in the clerk's office without a  
23 seal, a fee of fifty cents per page must be charged. When copying a  
24 document without a seal or file that is in an electronic format, a fee  
25 of twenty-five cents per page must be charged. For copies made on a  
26 compact disc, an additional fee of twenty dollars for each compact disc  
27 must be charged.

28 (5) For executing a certificate, with or without a seal, a fee of  
29 two dollars must be charged.

30 (6) For a garnishee defendant named in an affidavit for garnishment  
31 and for a writ of attachment, a fee of twenty dollars must be charged.

32 (7) For filing a supplemental proceeding, a fee of twenty dollars  
33 must be charged.

34 (8) For approving a bond, including justification on the bond, in  
35 other than civil actions and probate proceedings, a fee of two dollars  
36 must be charged.

37 (9) For the issuance of a certificate of qualification and a

1 certified copy of letters of administration, letters testamentary, or  
2 letters of guardianship, there must be a fee of two dollars.

3 (10) For the preparation of a passport application, the clerk may  
4 collect an execution fee as authorized by the federal government.

5 (11) For clerk's services such as processing ex parte orders,  
6 performing historical searches, compiling statistical reports, and  
7 conducting exceptional record searches, the clerk may collect a fee not  
8 to exceed twenty dollars per hour or portion of an hour. At local  
9 option, to be authorized by a county legislative authority, all ex  
10 parte orders shall be presented via the clerk.

11 (12) For duplicated recordings of court's proceedings there must be  
12 a fee of ten dollars for each audio tape and twenty-five dollars for  
13 each video tape or other electronic storage medium.

14 (13) For registration of land titles, Torrens Act, under RCW  
15 65.12.780, a fee of twenty dollars must be charged.

16 (14) For the issuance of extension of judgment under RCW 6.17.020  
17 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
18 When the extension of judgment is at the request of the clerk, the two  
19 hundred dollar charge may be imposed as court costs under RCW  
20 10.46.190.

21 (15) A facilitator surcharge of up to twenty dollars must be  
22 charged as authorized under RCW 26.12.240.

23 (16) For filing a water rights statement under RCW 90.03.180, a fee  
24 of twenty-five dollars must be charged.

25 (17) For filing a claim of frivolous lien under RCW 60.04.081, a  
26 fee of thirty-five dollars must be charged.

27 (18) For preparation of a change of venue, a fee of twenty dollars  
28 must be charged by the originating court in addition to the per page  
29 charges in subsection (4) of this section.

30 (19) A service fee of three dollars for the first page and one  
31 dollar for each additional page must be charged for receiving faxed  
32 documents, pursuant to Washington state rules of court, general rule  
33 17.

34 (20) For preparation of clerk's papers under RAP 9.7, a fee of  
35 fifty cents per page must be charged.

36 (21) For copies and reports produced at the local level as  
37 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
38 be charged.

1 (22) Investment service charge and earnings under RCW 36.48.090  
2 must be charged.

3 (23) Costs for nonstatutory services rendered by clerk by authority  
4 of local ordinance or policy must be charged.

5 (24) For filing a request for mandatory arbitration, a filing fee  
6 may be assessed against the party filing a statement of arbitrability  
7 not to exceed two hundred twenty dollars as established by authority of  
8 local ordinance. This charge shall be used solely to offset the cost  
9 of the mandatory arbitration program.

10 (25) For filing a request for trial de novo of an arbitration  
11 award, a fee not to exceed two hundred fifty dollars as established by  
12 authority of local ordinance must be charged.

13 (26) A public agency may not charge a fee to a law enforcement  
14 agency, for preparation, copying, or mailing of certified copies of the  
15 judgment and sentence, information, affidavit of probable cause, and/or  
16 the notice of requirement to register, of a sex offender convicted in  
17 a Washington court, when such records are necessary for risk  
18 assessment, preparation of a case for failure to register, or  
19 maintenance of a sex offender's registration file.

20 (27) For the filing of a will or codicil under the provisions of  
21 chapter 11.12 RCW, a fee of twenty dollars must be charged.

22 The revenue to counties from the fees established in this section  
23 shall be deemed to be complete reimbursement from the state for the  
24 state's share of benefits paid to the superior court judges of the  
25 state prior to July 24, 2005, and no claim shall lie against the state  
26 for such benefits.

27 **Sec. 2.** RCW 36.18.016 and 2007 c 496 s 204 are each amended to  
28 read as follows:

29 (1) Revenue collected under this section is not subject to division  
30 under RCW 36.18.025 or 27.24.070.

31 (2)(a) For the filing of a petition for modification of a decree of  
32 dissolution or paternity, within the same case as the original action,  
33 and any party filing a counterclaim, cross-claim, or third-party claim  
34 in any such action, a fee of thirty-six dollars must be paid.

35 (b) The party filing the first or initial petition for dissolution,  
36 legal separation, or declaration concerning the validity of marriage  
37 shall pay, at the time and in addition to the filing fee required under

1 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior  
2 court shall transmit monthly twenty-four dollars of the thirty-dollar  
3 fee collected under this subsection to the state treasury for deposit  
4 in the domestic violence prevention account. The remaining six dollars  
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7 violence, except for five percent of the six dollars, which may be  
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25 (27) For the filing of a will or codicil under the provisions of  
26 chapter 11.12 RCW, a fee of twenty dollars must be charged.

27 (28) A surcharge of up to twenty dollars may be charged as  
28 authorized by RCW 26.12.260.

29 The revenue to counties from the fees established in this section  
30 shall be deemed to be complete reimbursement from the state for the  
31 state's share of benefits paid to the superior court judges of the  
32 state prior to July 24, 2005, and no claim shall lie against the state  
33 for such benefits.

34 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1, 2009.

1        NEW SECTION.   **Sec. 4.**   Section 2 of this act takes effect July 1,  
2   2009.

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